

*Ex H-5*COPY OF PAPERS  
ORIGINAL FILED*PJO*

PTO/SB/05 (11-90)

Docket Number (Optional)

Case 1

## PATENT APPLICATION TRANSMITTAL LETTER

To the Commissioner of Patents and Trademarks:

Transmitted herewith for filing is the patent application of

Aleks Nikolich

entitled Automated Supply Cart and SystemCOPY OF PAPERS  
ORIGINALLY FILED

Enclosed are:

4 sheets of drawings.

an assignment of the invention to \_\_\_\_\_

executed declaration of the inventors.

a certified copy of a \_\_\_\_\_ application.

associate power of attorney.

a verified statement to establish small entity status under 37 CFR 1.9 and 1.27.

information disclosure statement

preliminary amendment

other: \_\_\_\_\_

## CLAIMS AS FILED

|                                       | NUMBER FILED | NUMBER EXTRA | RATE                  | FEE    |
|---------------------------------------|--------------|--------------|-----------------------|--------|
| BASIC FEE                             |              |              |                       |        |
| TOTAL CLAIMS                          | 19 - 20 =    | * 0          | x \$20                |        |
| INDEPENDENT CLAIMS                    | 3 - 3 =      | * 0          | x \$60                |        |
| MULTIPLE DEPENDENT CLAIM PRESENT      |              |              | \$200                 |        |
| * NUMBER EXTRA MUST BE ZERO OR LARGER |              |              | TOTAL                 | \$     |
|                                       |              |              | SMALL ENTITY<br>TOTAL | \$ 370 |

If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here.

A check in the amount of \$ 370 to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. I have enclosed a duplicate copy of this sheet.

Charge the amount of \$ 370 as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 CFR 1.16 and 1.17.

Charge the issue fee set in 37 CFR 1.18 at the mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

✓ January 29, 2002

Date

Signature  
Paul H. Gallagher

Serial No 10/077,732



COPY OF PAPERS  
ORIGINALLY FILED

Applicant: Aleks Nikolich  
Title: Automated Supply Cart  
and System  
Case 1

DRE  
PTO

RECEIVED  
JUN 20 2002

LETTER

OFFICE OF PETITIONS

REQUEST TO ESTABLISH FILING DATE

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

The purpose of this letter is to establish the filing date of the above application.

The surrounding circumstances were caused by the anthrax catastrophe in the Patent Office.

Briefly, what is involved is that two identical copies of the application were filed: one (first copy) in October 2001, and the other (second copy) in January or February 2002, neither of which was accorded a filing date by the Patent Office. Both are related to a previously filed provisional application which will be significant in establishing the filing date requested. See attached exhibit 1a indicating the filing date of that application, which was on or about 2-23-01.

The details are fully set out below.

1. I am the attorney for applicant, and for convenience this letter is written in the first person. I prepared an application (first copy) identified above, and the applicant executed it on

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES  
POSTAL SERVICE AS FIRST CLASS MAIL IN AN  
ENVELOPE ADDRESSED TO: COMMISSIONER OF AN  
PATENTS AND TRADEMARKS, WASHINGTON, D.C.  
20231, ON 6-11-02

*Paul H. Gallagher*  
PAUL H. GALLAGHER

October 7, 2001. Attached hereto and marked exhibit 1 is a print of the Declaration (page 2) constituting a part of that application showing that date of execution.

2. I sent the first copy to the Patent Office within a day or two after the date of its Execution (October 7, 2001).

3. I make it a practice to send with every application to the Patent Office, a return postcard, to be stamped by the Patent Office showing receipt of the application.

Attached hereto is exhibit 2 which includes a print of return postcard bearing a receipt date of 02/19/02. The postcard has a hole therethrough which appears to be produced by the card sticking to some other item. I believe that this postcard is the one I sent with the first copy to the Patent Office, which occurred within a few days following the date 10/7/01.

4. Also enclosed is exhibit 3 which is a print of a check (first check) Number 2048, dated 10/16/01 for the amount of \$370.00.

This check bears the identity of the filing fee for Nikolic Case

1. It appears that this check was cashed by the Patent Office on March 6, 2002. This of course indicates delay in processing the application, and also can indicate the delay in processing the postcard, (exhibit 2), which is believed to have been sent with the application.

5. On November 29, 2001 I called the Patent Office and asked whether the above application was filed, and the respondent said that because of the anthrax catastrophe, the applications, and various papers in the Patent Office, were "completely mixed up" and still further stated that they (the Patent Office) "are still digging them out" and that they would inform me when the application was found.

6. After realizing that delays were occurring regularly throughout a long period of time, and that I had not received the return postcard in the case, I called the Patent Office on December 14, 2001 and inquired whether the above application was filed. The person in the Patent Office said that it had not been filed and that "the applications are coming back slowly," that is, they were sent out for decontamination because of the anthrax catastrophe.

In further discussion with the person on the phone, that person said not to send in a new substitute application, but to wait for this one (the first one) to be returned to the Patent Office from the decontamination treatment. She further said that she would call me when it does come in.

7. Also enclosed is exhibit 5, a Declaration by Applicant.

Following instructions from applicant Aleks Nikolich, as stated in that declaration, I prepared a copy of the application (the second copy) which was identical with the original

application sent for filing in October 2001.

Enclosed is exhibit 5, which is a copy of my "Patent Application Transmittal Letter" so transmitting the second copy to the Patent Office. That letter is dated January 29, 2002, and thus follows in sequence, the conversation with Mr. Nickolich referred to.

Unusual precautions were taken to assure the second copy being received in the Patent Office.

Accordingly, I transmitted the second copy of the application to the Patent Office by certified mail in the Post Office.

8. Attached hereto is exhibit 6, including prints of three slips (a)(b)(c) issued by the Post Office, showing mailing and receipt of the second copy in the Patent Office. Slip 6(a) shows that the Post Office received the letter on January 29, 2002. Slip 6(b) is a certified mail receipt showing that it was received in the Post Office on 01/29/02. Slip 6(c) shows the return receipt from the Post Office in Washington D.C., showing that the package was delivered to the Commissioner of Patents and Trademarks on Feb. 19, 2002.

Attention is directed to exhibit 7 including a print of check number 2082 (second check) dated 01/29/02. The amount of the check is \$370.00, and the check bears identification of the intended purpose, namely "Nikolich filing fee".

This check was cashed by the Patent Office, apparently on February 26, 2002, according to my understanding of the printed

stamping on the reverse side of the check.

Attention is directed to exhibit 8 which is a print of statement claiming Small Entity Status. This was dated January 25, 2002 and accompanied the second copy of the application to the Patent Office.

Exhibit 9 is a print of a postcard returned by the Patent Office and bearing a receipt date of "02/27/02".

Note is to be made of the conflict of dates on the postcards of exhibits 2 and 9.

All of this material is obviously related to the filing of the first copy of the application, in October 2001. Both of the return postcards, exhibits 2 and 8 bear messages which, while not identical, are nearly so and obviously refer to the same application, namely, Nikolich, Case 1.

Based on the material set out above, applicant believes he is entitled to a filing date of within a few days following the date of the first check (10-16-01). Applicant advisedly uses the expression "few days" because at that time the proceedings in the Patent Office were slowed down because of the anthrax episode and the application would not be entered and given a filing date as soon as in normal times.

In further consideration of the matter, applicant believes he is entitled to a filing date the same as that of the provisional application, namely February 23, 2001. On this point, reference is made to 37 CFR Sect. 1.53 (C) (3).

Under that provision a non-provisional application containing the invention of the provisional application is entitled to the filing date of the provisional application.

Accordingly applicant requests

- (a) the Patent Office to accord the filing date of February 23, 2001 and
- (b) the return amount of one filing fee (\$370.00).

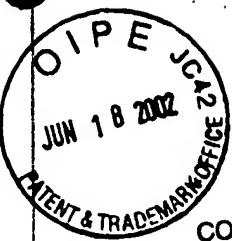
Respectfully,



Paul H. Gallagher  
Attorney for Applicant  
2439 Jackson Ave.  
Evanston, IL 60201

Tel: 847,328,7519

EXH. 2



**COPY OF PAPERS  
ORIGINALLY FILED**



20USA

**PAUL H. GALLAGHER  
2439 JACKSON AVENUE  
EVANST. ILLINOIS 60201**

[secret](#) / [notes](#)      [http://www.illuminatedbooks.net/illuminated](#)

The stamp of the Patent Office hereon indicates receipt of application of Aleks Nikolich, for patent on Automated Supply Cart and System, Case 1.

J1040 U.S. PTO  
10/077732  
  
02/19/02

RECEIVED

JUN 20 2002

## **OFFICE OF PETITIONS**

COPY OF PAPERS  
ORIGINALLY FILED



EXH. 3.

ENDORSE HERE

PATENT AND TRADEMARK OFFICE

13-0-0001

03-06-2002

FOR CREDIT TO THE

0 0 2185 REA 0 2 3

DONOT WRITE STAMP OR SIGN BELOW THIS LINE  
REPRINTS ARE NOT ALLOWED

RECEIVED

JUN 20 2002

OFFICE OF PETITIONS

U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Only: No Insurance Coverage Provided)

WASHINGTON, DC 20231

|   |               |
|---|---------------|
| DEB6 5556 2000 OHBT T002                          | UNIT ID: 0201 |
| Postage \$ 1.49                                   | Postmark Here |
| Certified Fee \$ 2.10                             | Clerk: KDGDTX |
| Return Receipt Fee (Endorsement Required) \$ 1.50 |               |
| Restricted Delivery Fee (Endorsement Required)    |               |
| Total Postage & Fees \$ 5.09                      | 01/29/02      |

**Sent To**  
**Commissioner of Patents + Trademarks**  
 Street, Apt. No.;  
 or PO Box No.  
**Washington, D.C.**  
 City, State, ZIP+4 20231

PS Form 3800, January 2001

See Reverse for Instructions



COPY OF PAPERS  
ORIGINALLY FILED

X  
 Commissioner of  
 Patents + Trademarks  
 Washington, DC

20231

|   |                     |
|---|---------------------|
| COMPLETE THIS SECTION   |                     |
| <b>SENDER: COMPLETE THIS SECTION</b>  |                     |
| <b>COMPLETE THIS SECTION ON DELIVERY</b>  |                     |
| A. Received by (Please Print Clearly)   | B. Date of Delivery |
| C. Signature  |                     |
| <input checked="" type="checkbox"/> <b>REF</b> <input type="checkbox"/> Agent<br><input type="checkbox"/> Addressee |                     |
| D. Is delivery address different from item 1?<br>If YES, enter delivery address below:<br><b>FEB 19 2002</b>        |                     |
| USPS MAIL CENTER  |                     |

2. Article Number

(Transfer from service label)

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-N-1424



\*\*\*\*\* WELCOME TO \*\*\*\*\*  
 EVANSTON N. STATION PO  
 EVANSTON, IL 60201-2287  
 01/29/02 01:36PM

|                 |              |         |        |
|-----------------|--------------|---------|--------|
| Store           | USPS         | Trans   | 74     |
| Wkstn           | sys5003      | Cashier | KDGDTX |
| Cashier's Name  | MIKE         |         |        |
| Stock Unit Id   | MIKEWIND     |         |        |
| PO Phone Number | 847-328-6201 |         |        |

|                     |        |
|---------------------|--------|
| 1. First Class      | 3.38   |
| Destination:        | 20231  |
| Weight:             | 6.00oz |
| Postage Type:       | PVI    |
| Affix. Post.:       | -1.71  |
| Total Cost:         | 5.09   |
| Base Rate:          | 1.49   |
| SERVICES            |        |
| Certified Mail      | 2.10   |
| 7001194000795559930 |        |
| Return Receipt      | 1.50   |

|          |      |
|----------|------|
| Subtotal | 3.38 |
| Total    | 3.38 |

|            |      |
|------------|------|
| Cash       | 3.40 |
| Change Due |      |
| Cash       | 0.02 |

Number of Items Sold: 1

Thank You  
Please come again!

RECEIVED  
JUN 20 2002  
OFFICE OF PETITIONS

EXH 6.

